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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,819	07/05/2001	Tatsuo Itabashi	450108-02836	1317

20999 7590 02/27/2004

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

TAYLOR, APRIL ALICIA

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,819

Applicant(s)

ITABASHI ET AL.

Examiner

April A. Taylor

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/8/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the Amendment filed 20 October 2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozawa et al (US 5,533,113), cited by the applicant.

Re claims 1, 8, 14, and 16: Ozawa et al disclose an information communication system comprising:

a terminal 3, which is carried by a user and originates individual identification information of the user that is given in advance (see col. 2, lines 49-50 and col. 3, lines 51-58);

communicating means 2 for performing communication with outside via a predetermined communicating route, for receiving the individual identification information originated from the terminal 3; and

managing means 1 for storing and managing the individual identification information, which is sent from the communicating means through the predetermined communicating route when the communicating means receives

the individual identification information, wherein the managing means accesses the terminal of the user via the communicating means, on the basis of the individual identification information managed by the outside; and wherein the managing means selects the communication means corresponding to a best communicating access route, through which the predetermined communicating route send information sent to the user. (See col. 1, line 52 to col. 2, line 8; col. 2, line 39 to col. 3, line 9; col. 8, lines 21-59)

Re claims 2 and 9: Ozawa et al teaches wherein the managing means controls the communicating means at predetermined time intervals (see col. 4, lines 10-40).

Re claim 3: Ozawa et al teaches wherein the communicating means controls the terminal at predetermined time intervals (see col. 4, lines 46-60).

Re claims 4 and 10: Ozawa et al teaches wherein a plurality of the communicating means are accessible to the user; and wherein the managing means accesses each of the accessible communicating means, through the predetermined communicating route, on the basis of the individual identification information designated by the outside (see col. 3, line 29 to col. 4, line 40).

Re claims 5, 11, and 15: Ozawa et al teaches wherein the communicating means receive only the predetermined individual identification information set in advance.

Re claims 6 and 12: Ozawa et al teaches wherein the terminal comprises an IC card recording the individual identification information; and originating means for reading the individual identification information from the IC card, wherein the IC card

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protects the reading out of the recorded individual identification information using a predetermined password set in advance (see col. 3, lines 51-59 and col. 4, lines 46-60). Re claims 7 and 13, wherein the communicating means informs the managing means of the individual identification information when a predetermined password set in advance is inputted (see col. 4, line 46 to col. 5, line 21).

Response to Arguments

4. Applicant's arguments filed 20 October 2003 have been fully considered but they are not persuasive.

In response to applicant's argument on pages 16-17, the Examiner respectfully disagrees. In specific, "wherein said managing means selects communication means corresponding to a best communicating access route, through which said one or more predetermined communicating routes send information sent to said user". Given its broadest reasonable interpretation, Ozawa et al teaches a plurality of radio card telephone sets that are provided in the vicinity of a radio card carried by a user and managing means, wherein the managing means selects the telephone set which is located near the present position of the card holder through which the telephone set send information to the user. The telephone set that is selected based on the location of the cardholder is interpreted to be the best communicating access route as claim in claim 1. Therefore, Ozawa et al meets the claimed invention.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujiwara (US 6,647,263) discloses an automatic call making system and a mobile radio terminal.

Davies et al (US 6,594,493) discloses a paging arrangement for wireless communications.

Gavrilovich (US 6,026,277) discloses a mobile communication system with moving base station.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to April A. Taylor whose telephone number is (571) 272-2403. The examiner can normally be reached on Monday - Friday from 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [april.taylor@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AAT

AAT

30 January 2004



**THIEN M. LE
PRIMARY EXAMINER**